

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division

UNITED STATES OF AMERICA

v.

ELMER EMMANUEL EYCHANER, III,

Defendant.

CRIMINAL NO. 4:17CR 76

18 U.S.C. § 2252(a)(4)(B)
Access with Intent to View Visual
Depictions of Minors Engaged in Sexually
Explicit Conduct
(Count 1)

18 U.S.C. §1466A (a)(1)
Attempted Receipt of Obscene Visual
Representations of the Sexual Abuse
of Children
(Count 2)

18 U.S.C. §1519
Destruction of a Tangible Object to Impede a
Federal Investigation
(Count 3)

18 U.S.C. § 1512 (c)(1)
Obstruction of Justice-Attempted Evidence
Tampering
(Count 4)

18 U.S.C. §2260A
Penalties for Registered Sex
Offender
(Count 5)

18 U.S.C. § 2253
Criminal Forfeiture

INDICTMENT

August 2017 Term - At Newport News, Virginia

GENERAL ALLEGATIONS

At all times material to the indictment:

1. The defendant, ELMER EMMANUEL EYCHANER, III, was a resident of Newport News, Virginia.
2. On or about June 16, 2016, the defendant, ELMER EMMANUEL EYCHANER, III, was on supervised release under the supervision of the United States Probation Office for his federal conviction in case of United States v. ELMER EMMANUEL EYCHANER, III, case number 2:07Cr 183.
3. Pursuant to his supervision there were special conditions related to the possession and use of a computer, including, but not limited to, express prohibitions regarding the accessing and possession of juvenile-related pornographic materials.

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. The factual allegations in the General Allegations section are incorporated herein by reference as if set out in full.
2. On or about November 17, 2016, in the Eastern District of Virginia, defendant ELMER EMMANUEL EYCHANER, III, did knowingly access with intent to view at least one matter, that is websites, which contained visual depictions that has been mailed, shipped and transported using any means and facility of interstate and foreign commerce, has been shipped and transported and in and affecting interstate and foreign commerce, and was produced using materials which have been mailed and shipped and transported in and affecting interstate and foreign commerce, by any means including by computer, and the production of such visual

depiction involved the use of a minor engaging in sexually explicit conduct and the visual depiction is of such conduct.

(In violation of Title 18, United States Code, Sections 2252(a)(4)(B), 2252(b)(2) and 2256(2).)

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. The factual allegations in the General Allegations section are incorporated herein by reference as if set out in full.

2. On or about November 17, 2016, in the Eastern District of Virginia, the defendant, ELMER EMMANUEL EYCHANER, III, knowingly received and attempted to receive visual depictions that depict minors engaging in sexually explicit conduct and are obscene, to wit: obscene anime cartoons, that were mailed and shipped and transported in interstate and foreign commerce by any means, including by computer, and were produced using materials that have been mailed, and that had been shipped and transported in interstate or foreign commerce by any means, including by computer.

(In violation of Title 18, United States Code, Section 1466 A(a)(1)).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. The factual allegations in the General Allegations section are incorporated herein by reference as if set out in full.

2. On or about November 17, 2016, in the Eastern District of Virginia, the defendant, ELMER EMMANUEL EYCHANER, III, did knowingly destroy and mutilate a tangible object, to wit: a computer hard drive, with the intent to impede, obstruct and influence the investigation and proper administration of Supervised Release, a matter that ELMER EMMANUEL EYCHANER, III knew and contemplated was within the jurisdiction of the United States Probation Office, a department and agency of the United States.

(In violation of Title 18, United States Code, Sections 1519).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. The factual allegations in the General Allegations section are incorporated herein by reference as if set out in full.

2. On or about November 17, 2016, in the Eastern District of Virginia, the defendant, ELMER EMMANUEL EYCHANER, III, did corruptly attempt to alter, destroy, mutilate and conceal a record, document, or other object, to wit: computer, computer battery and computer hard drive, and attempt to do so, with the intent to impair its integrity and availability for use in an official proceeding to wit: a federal grand jury investigation.

(In violation of Title 18, United States Code, Sections 1512(c)(1)).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. The factual allegations in the General Allegations section are incorporated herein by reference as if set out in full.

2. On or about November 17, 2016, in the Eastern District of Virginia and boundaries of a territorial jurisdiction of the United States, the defendant, ELMER EMMANUEL EYCHANER, III, an individual required by Federal or other law to register as a sex offender, committed a felony offense involving a minor under Title 18, United States Code, Section 1466A.

(In violation of Title 18, United States Code, Section 2260A.)

FORFEITURE

THE GRAND JURY FURTHER ALLEGES AND FINDS PROBABLE CAUSE THAT:

1. Pursuant to Rule 32.2(a) FED. R. CRIM. P., the defendant is hereby notified that, if convicted of any of the violations alleged counts one, two and four of this Indictment, the defendant shall forfeit to the United States as part of the sentencing, any property, real or personal, which constitutes or is derived from proceeds traceable to the violation.

2. Pursuant to Rule 32.2(a) FED. R. CRIM. P., the defendant is hereby notified that, if convicted of either of the violations alleged in counts one and two of this Indictment, the defendant shall forfeit to the United States as part of the sentencing, any and all property, real or personal, used or intended to be used to commit or to promote the commission of the violation, and any property traceable to such property.

3. Pursuant to Rule 32.2(a) FED. R. CRIM. P., the defendant is hereby notified that, if convicted of the violation alleged in count one of this Indictment, the defendant shall forfeit to the

United States as part of the sentencing, any and all matter which contains child pornography or any visual depiction described in Title 18, United States Code, Sections 2251, 2251A, 2252, 2252A, 2252B, or 2260 produced, transported, mailed, shipped, or received in violation of Title 18, United States Code, Section 2251 *et seq.*

4. Pursuant to Rule 32.2(a) FED. R. CRIM. P., the defendant is hereby notified that, if convicted of the violation alleged in counts two of this Indictment, the defendant shall forfeit to the United States as part of the sentencing, any obscene material produced, transported, mailed, shipped, or received in violation of Title 18, United States Code, Section 1460 *et seq.*

5. If any property that is subject to forfeiture, as a result of any act or omission of the defendant (i) cannot be located upon the exercise of due diligence, (ii) has been transferred to, sold to, or deposited with a third party, (iii) has been placed beyond the jurisdiction of the Court, (iv) has been substantially diminished in value, or (v) has been commingled with other property that cannot be divided without difficulty, it is the intention of the United States to seek forfeiture of any other property of the defendant, as subject to forfeiture under Title 21, United States Code, Section 853(p).

6. The property subject to forfeiture includes, but is not limited to, the following:

- * Dell Laptop with service tag B9JSS32 with power cord.

(In accordance with Title 18, United States Code, Sections 981(a)(1)(C), 1467 and 2253; Title 28, United States Code, Section 2461).

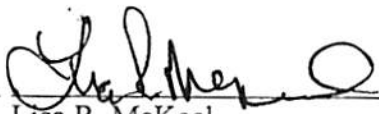
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Criminal No. : 4:17cr **76**

A TRUE BILL:

Redacted

FOREPERSON

DANA J. BOENTE
UNITED STATES ATTORNEY



Lisa R. McKeel
Assistant United States Attorney



Megan M. Cowles
Assistant United States Attorney